



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB4301

Introduced 12/21/05, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-707	from Ch. 95 1/2, par. 3-707
625 ILCS 5/6-206	from Ch. 95 1/2, par. 6-206
730 ILCS 5/5-5-3	from Ch. 38, par. 1005-5-3

Amends the Illinois Vehicle Code and the Unified Code of Corrections. Provides that a person convicted of driving an uninsured motor vehicle, in addition to any other penalty imposed, shall have his or her driving privileges suspended for 90 days and until he or she has paid a reinstatement fee of \$100. Provides that, if a person is convicted of driving an uninsured vehicle while his or her driving privileges are suspended for a similar violation, his or her driving privileges shall be suspended for an additional 180 days and until he or she pays the reinstatement fee.

LRB094 16044 DRH 51279 b

1 AN ACT concerning driving offenses.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 3-707 and 6-206 as follows:

6 (625 ILCS 5/3-707) (from Ch. 95 1/2, par. 3-707)

7 Sec. 3-707. Operation of uninsured motor vehicle - penalty.

8 (a) No person shall operate a motor vehicle unless the
9 motor vehicle is covered by a liability insurance policy in
10 accordance with Section 7-601 of this Code.

11 (b) Any person who fails to comply with a request by a law
12 enforcement officer for display of evidence of insurance, as
13 required under Section 7-602 of this Code, shall be deemed to
14 be operating an uninsured motor vehicle.

15 (c) Any operator of a motor vehicle subject to registration
16 under this Code who is convicted of violating this Section is
17 guilty of a business offense and shall be required to pay a
18 fine in excess of \$500, but not more than \$1,000. However, no
19 person charged with violating this Section shall be convicted
20 if such person produces in court satisfactory evidence that at
21 the time of the arrest the motor vehicle was covered by a
22 liability insurance policy in accordance with Section 7-601 of
23 this Code. The chief judge of each circuit may designate an
24 officer of the court to review the documentation demonstrating
25 that at the time of arrest the motor vehicle was covered by a
26 liability insurance policy in accordance with Section 7-601 of
27 this Code.

28 (c-1) A person convicted of violating this Section shall
29 also have his or her driver's license, permit, or privileges
30 suspended for 90 days. After the expiration of the 90 days, the
31 person's driver's license, permit, or privileges shall not be
32 reinstated until he or she has paid a reinstatement fee of

1 \$100. If a person violates this Section while his or her
2 driver's license, permit, or privileges are suspended under
3 this subsection (c-1), his or her driver's license, permit, or
4 privileges shall be suspended for an additional 180 days and
5 until he or she pays the reinstatement fee.

6 (d) A person convicted a third or subsequent time of
7 violating this Section or a similar provision of a local
8 ordinance must give proof to the Secretary of State of the
9 person's financial responsibility as defined in Section 7-315.
10 The person must maintain the proof in a manner satisfactory to
11 the Secretary for a minimum period of one year after the date
12 the proof is first filed. The Secretary must suspend the
13 driver's license of any person determined by the Secretary not
14 to have provided adequate proof of financial responsibility as
15 required by this subsection.

16 (Source: P.A. 92-775, eff. 7-1-03.)

17 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

18 Sec. 6-206. Discretionary authority to suspend or revoke
19 license or permit; Right to a hearing.

20 (a) The Secretary of State is authorized to suspend or
21 revoke the driving privileges of any person without preliminary
22 hearing upon a showing of the person's records or other
23 sufficient evidence that the person:

24 1. Has committed an offense for which mandatory
25 revocation of a driver's license or permit is required upon
26 conviction;

27 2. Has been convicted of not less than 3 offenses
28 against traffic regulations governing the movement of
29 vehicles committed within any 12 month period. No
30 revocation or suspension shall be entered more than 6
31 months after the date of last conviction;

32 3. Has been repeatedly involved as a driver in motor
33 vehicle collisions or has been repeatedly convicted of
34 offenses against laws and ordinances regulating the
35 movement of traffic, to a degree that indicates lack of

1 ability to exercise ordinary and reasonable care in the
2 safe operation of a motor vehicle or disrespect for the
3 traffic laws and the safety of other persons upon the
4 highway;

5 4. Has by the unlawful operation of a motor vehicle
6 caused or contributed to an accident resulting in death or
7 injury requiring immediate professional treatment in a
8 medical facility or doctor's office to any person, except
9 that any suspension or revocation imposed by the Secretary
10 of State under the provisions of this subsection shall
11 start no later than 6 months after being convicted of
12 violating a law or ordinance regulating the movement of
13 traffic, which violation is related to the accident, or
14 shall start not more than one year after the date of the
15 accident, whichever date occurs later;

16 5. Has permitted an unlawful or fraudulent use of a
17 driver's license, identification card, or permit;

18 6. Has been lawfully convicted of an offense or
19 offenses in another state, including the authorization
20 contained in Section 6-203.1, which if committed within
21 this State would be grounds for suspension or revocation;

22 7. Has refused or failed to submit to an examination
23 provided for by Section 6-207 or has failed to pass the
24 examination;

25 8. Is ineligible for a driver's license or permit under
26 the provisions of Section 6-103;

27 9. Has made a false statement or knowingly concealed a
28 material fact or has used false information or
29 identification in any application for a license,
30 identification card, or permit;

31 10. Has possessed, displayed, or attempted to
32 fraudulently use any license, identification card, or
33 permit not issued to the person;

34 11. Has operated a motor vehicle upon a highway of this
35 State when the person's driving privilege or privilege to
36 obtain a driver's license or permit was revoked or

1 suspended unless the operation was authorized by a judicial
2 driving permit, probationary license to drive, or a
3 restricted driving permit issued under this Code;

4 12. Has submitted to any portion of the application
5 process for another person or has obtained the services of
6 another person to submit to any portion of the application
7 process for the purpose of obtaining a license,
8 identification card, or permit for some other person;

9 13. Has operated a motor vehicle upon a highway of this
10 State when the person's driver's license or permit was
11 invalid under the provisions of Sections 6-107.1 and 6-110;

12 14. Has committed a violation of Section 6-301,
13 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
14 of the Illinois Identification Card Act;

15 15. Has been convicted of violating Section 21-2 of the
16 Criminal Code of 1961 relating to criminal trespass to
17 vehicles in which case, the suspension shall be for one
18 year;

19 16. Has been convicted of violating Section 11-204 of
20 this Code relating to fleeing from a peace officer;

21 17. Has refused to submit to a test, or tests, as
22 required under Section 11-501.1 of this Code and the person
23 has not sought a hearing as provided for in Section
24 11-501.1;

25 18. Has, since issuance of a driver's license or
26 permit, been adjudged to be afflicted with or suffering
27 from any mental disability or disease;

28 19. Has committed a violation of paragraph (a) or (b)
29 of Section 6-101 relating to driving without a driver's
30 license;

31 20. Has been convicted of violating Section 6-104
32 relating to classification of driver's license;

33 21. Has been convicted of violating Section 11-402 of
34 this Code relating to leaving the scene of an accident
35 resulting in damage to a vehicle in excess of \$1,000, in
36 which case the suspension shall be for one year;

1 22. Has used a motor vehicle in violating paragraph
2 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
3 the Criminal Code of 1961 relating to unlawful use of
4 weapons, in which case the suspension shall be for one
5 year;

6 23. Has, as a driver, been convicted of committing a
7 violation of paragraph (a) of Section 11-502 of this Code
8 for a second or subsequent time within one year of a
9 similar violation;

10 24. Has been convicted by a court-martial or punished
11 by non-judicial punishment by military authorities of the
12 United States at a military installation in Illinois of or
13 for a traffic related offense that is the same as or
14 similar to an offense specified under Section 6-205 or
15 6-206 of this Code;

16 25. Has permitted any form of identification to be used
17 by another in the application process in order to obtain or
18 attempt to obtain a license, identification card, or
19 permit;

20 26. Has altered or attempted to alter a license or has
21 possessed an altered license, identification card, or
22 permit;

23 27. Has violated Section 6-16 of the Liquor Control Act
24 of 1934;

25 28. Has been convicted of the illegal possession, while
26 operating or in actual physical control, as a driver, of a
27 motor vehicle, of any controlled substance prohibited
28 under the Illinois Controlled Substances Act, any cannabis
29 prohibited under the Cannabis Control Act, or any
30 methamphetamine prohibited under the Methamphetamine
31 Control and Community Protection Act, in which case the
32 person's driving privileges shall be suspended for one
33 year, and any driver who is convicted of a second or
34 subsequent offense, within 5 years of a previous
35 conviction, for the illegal possession, while operating or
36 in actual physical control, as a driver, of a motor

1 vehicle, of any controlled substance prohibited under the
2 Illinois Controlled Substances Act, any cannabis
3 prohibited under the Cannabis Control Act, or any
4 methamphetamine prohibited under the Methamphetamine
5 Control and Community Protection Act shall be suspended for
6 5 years. Any defendant found guilty of this offense while
7 operating a motor vehicle, shall have an entry made in the
8 court record by the presiding judge that this offense did
9 occur while the defendant was operating a motor vehicle and
10 order the clerk of the court to report the violation to the
11 Secretary of State;

12 29. Has been convicted of the following offenses that
13 were committed while the person was operating or in actual
14 physical control, as a driver, of a motor vehicle: criminal
15 sexual assault, predatory criminal sexual assault of a
16 child, aggravated criminal sexual assault, criminal sexual
17 abuse, aggravated criminal sexual abuse, juvenile pimping,
18 soliciting for a juvenile prostitute and the manufacture,
19 sale or delivery of controlled substances or instruments
20 used for illegal drug use or abuse in which case the
21 driver's driving privileges shall be suspended for one
22 year;

23 30. Has been convicted a second or subsequent time for
24 any combination of the offenses named in paragraph 29 of
25 this subsection, in which case the person's driving
26 privileges shall be suspended for 5 years;

27 31. Has refused to submit to a test as required by
28 Section 11-501.6 or has submitted to a test resulting in an
29 alcohol concentration of 0.08 or more or any amount of a
30 drug, substance, or compound resulting from the unlawful
31 use or consumption of cannabis as listed in the Cannabis
32 Control Act, a controlled substance as listed in the
33 Illinois Controlled Substances Act, or an intoxicating
34 compound as listed in the Use of Intoxicating Compounds
35 Act, in which case the penalty shall be as prescribed in
36 Section 6-208.1;

1 32. Has been convicted of Section 24-1.2 of the
2 Criminal Code of 1961 relating to the aggravated discharge
3 of a firearm if the offender was located in a motor vehicle
4 at the time the firearm was discharged, in which case the
5 suspension shall be for 3 years;

6 33. Has as a driver, who was less than 21 years of age
7 on the date of the offense, been convicted a first time of
8 a violation of paragraph (a) of Section 11-502 of this Code
9 or a similar provision of a local ordinance;

10 34. Has committed a violation of Section 11-1301.5 of
11 this Code;

12 35. Has committed a violation of Section 11-1301.6 of
13 this Code;

14 36. Is under the age of 21 years at the time of arrest
15 and has been convicted of not less than 2 offenses against
16 traffic regulations governing the movement of vehicles
17 committed within any 24 month period. No revocation or
18 suspension shall be entered more than 6 months after the
19 date of last conviction;

20 37. Has committed a violation of subsection (c) of
21 Section 11-907 of this Code;

22 38. Has been convicted of a violation of Section 6-20
23 of the Liquor Control Act of 1934 or a similar provision of
24 a local ordinance;

25 39. Has committed a second or subsequent violation of
26 Section 11-1201 of this Code;

27 40. Has committed a violation of subsection (a-1) of
28 Section 11-908 of this Code; ~~or~~

29 41. Has committed a second or subsequent violation of
30 Section 11-605.1 of this Code within 2 years of the date of
31 the previous violation, in which case the suspension shall
32 be for 90 days; ~~or~~

33 42. Has committed a violation of Section 3-707 of this
34 Code, in which case the suspension shall be for 90 days and
35 until the person has paid a reinstatement fee of \$100; or

36 43. Has committed a violation of Section 3-707 of this

1 Code during a period in which his or her driver's license,
2 permit, or privileges were suspended for a previous
3 violation of that Section, in which case the original 90
4 day suspension shall be extended an additional 180 days and
5 until the person has paid a reinstatement fee of \$100.

6 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
7 and 27 of this subsection, license means any driver's license,
8 any traffic ticket issued when the person's driver's license is
9 deposited in lieu of bail, a suspension notice issued by the
10 Secretary of State, a duplicate or corrected driver's license,
11 a probationary driver's license or a temporary driver's
12 license.

13 (b) If any conviction forming the basis of a suspension or
14 revocation authorized under this Section is appealed, the
15 Secretary of State may rescind or withhold the entry of the
16 order of suspension or revocation, as the case may be, provided
17 that a certified copy of a stay order of a court is filed with
18 the Secretary of State. If the conviction is affirmed on
19 appeal, the date of the conviction shall relate back to the
20 time the original judgment of conviction was entered and the 6
21 month limitation prescribed shall not apply.

22 (c) 1. Upon suspending or revoking the driver's license or
23 permit of any person as authorized in this Section, the
24 Secretary of State shall immediately notify the person in
25 writing of the revocation or suspension. The notice to be
26 deposited in the United States mail, postage prepaid, to
27 the last known address of the person.

28 2. If the Secretary of State suspends the driver's
29 license of a person under subsection 2 of paragraph (a) of
30 this Section, a person's privilege to operate a vehicle as
31 an occupation shall not be suspended, provided an affidavit
32 is properly completed, the appropriate fee received, and a
33 permit issued prior to the effective date of the
34 suspension, unless 5 offenses were committed, at least 2 of
35 which occurred while operating a commercial vehicle in
36 connection with the driver's regular occupation. All other

1 driving privileges shall be suspended by the Secretary of
2 State. Any driver prior to operating a vehicle for
3 occupational purposes only must submit the affidavit on
4 forms to be provided by the Secretary of State setting
5 forth the facts of the person's occupation. The affidavit
6 shall also state the number of offenses committed while
7 operating a vehicle in connection with the driver's regular
8 occupation. The affidavit shall be accompanied by the
9 driver's license. Upon receipt of a properly completed
10 affidavit, the Secretary of State shall issue the driver a
11 permit to operate a vehicle in connection with the driver's
12 regular occupation only. Unless the permit is issued by the
13 Secretary of State prior to the date of suspension, the
14 privilege to drive any motor vehicle shall be suspended as
15 set forth in the notice that was mailed under this Section.
16 If an affidavit is received subsequent to the effective
17 date of this suspension, a permit may be issued for the
18 remainder of the suspension period.

19 The provisions of this subparagraph shall not apply to
20 any driver required to possess a CDL for the purpose of
21 operating a commercial motor vehicle.

22 Any person who falsely states any fact in the affidavit
23 required herein shall be guilty of perjury under Section
24 6-302 and upon conviction thereof shall have all driving
25 privileges revoked without further rights.

26 3. At the conclusion of a hearing under Section 2-118
27 of this Code, the Secretary of State shall either rescind
28 or continue an order of revocation or shall substitute an
29 order of suspension; or, good cause appearing therefor,
30 rescind, continue, change, or extend the order of
31 suspension. If the Secretary of State does not rescind the
32 order, the Secretary may upon application, to relieve undue
33 hardship, issue a restricted driving permit granting the
34 privilege of driving a motor vehicle between the
35 petitioner's residence and petitioner's place of
36 employment or within the scope of his employment related

1 duties, or to allow transportation for the petitioner, or a
2 household member of the petitioner's family, to receive
3 necessary medical care and if the professional evaluation
4 indicates, provide transportation for alcohol remedial or
5 rehabilitative activity, or for the petitioner to attend
6 classes, as a student, in an accredited educational
7 institution; if the petitioner is able to demonstrate that
8 no alternative means of transportation is reasonably
9 available and the petitioner will not endanger the public
10 safety or welfare.

11 If a person's license or permit has been revoked or
12 suspended due to 2 or more convictions of violating Section
13 11-501 of this Code or a similar provision of a local
14 ordinance or a similar out-of-state offense, arising out of
15 separate occurrences, that person, if issued a restricted
16 driving permit, may not operate a vehicle unless it has
17 been equipped with an ignition interlock device as defined
18 in Section 1-129.1.

19 If a person's license or permit has been revoked or
20 suspended 2 or more times within a 10 year period due to a
21 single conviction of violating Section 11-501 of this Code
22 or a similar provision of a local ordinance or a similar
23 out-of-state offense, and a statutory summary suspension
24 under Section 11-501.1, or 2 or more statutory summary
25 suspensions, or combination of 2 offenses, or of an offense
26 and a statutory summary suspension, arising out of separate
27 occurrences, that person, if issued a restricted driving
28 permit, may not operate a vehicle unless it has been
29 equipped with an ignition interlock device as defined in
30 Section 1-129.1. The person must pay to the Secretary of
31 State DUI Administration Fund an amount not to exceed \$20
32 per month. The Secretary shall establish by rule the amount
33 and the procedures, terms, and conditions relating to these
34 fees. If the restricted driving permit was issued for
35 employment purposes, then this provision does not apply to
36 the operation of an occupational vehicle owned or leased by

1 that person's employer. In each case the Secretary may
2 issue a restricted driving permit for a period deemed
3 appropriate, except that all permits shall expire within
4 one year from the date of issuance. The Secretary may not,
5 however, issue a restricted driving permit to any person
6 whose current revocation is the result of a second or
7 subsequent conviction for a violation of Section 11-501 of
8 this Code or a similar provision of a local ordinance
9 relating to the offense of operating or being in physical
10 control of a motor vehicle while under the influence of
11 alcohol, other drug or drugs, intoxicating compound or
12 compounds, or any similar out-of-state offense, or any
13 combination of those offenses, until the expiration of at
14 least one year from the date of the revocation. A
15 restricted driving permit issued under this Section shall
16 be subject to cancellation, revocation, and suspension by
17 the Secretary of State in like manner and for like cause as
18 a driver's license issued under this Code may be cancelled,
19 revoked, or suspended; except that a conviction upon one or
20 more offenses against laws or ordinances regulating the
21 movement of traffic shall be deemed sufficient cause for
22 the revocation, suspension, or cancellation of a
23 restricted driving permit. The Secretary of State may, as a
24 condition to the issuance of a restricted driving permit,
25 require the applicant to participate in a designated driver
26 remedial or rehabilitative program. The Secretary of State
27 is authorized to cancel a restricted driving permit if the
28 permit holder does not successfully complete the program.

29 (c-5) The Secretary of State may, as a condition of the
30 reissuance of a driver's license or permit to an applicant
31 whose driver's license or permit has been suspended before he
32 or she reached the age of 18 years pursuant to any of the
33 provisions of this Section, require the applicant to
34 participate in a driver remedial education course and be
35 retested under Section 6-109 of this Code.

36 (d) This Section is subject to the provisions of the

1 Drivers License Compact.

2 (e) The Secretary of State shall not issue a restricted
3 driving permit to a person under the age of 16 years whose
4 driving privileges have been suspended or revoked under any
5 provisions of this Code.

6 (f) In accordance with 49 C.F.R. 384, the Secretary of
7 State may not issue a restricted driving permit for the
8 operation of a commercial motor vehicle to a person holding a
9 CDL whose driving privileges have been revoked under any
10 provisions of this Code.

11 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;
12 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.
13 9-30-05; 94-556, eff. 9-11-05; revised 8-19-05.)

14 Section 10. The Unified Code of Corrections is amended by
15 changing Section 5-5-3 as follows:

16 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

17 Sec. 5-5-3. Disposition.

18 (a) Except as provided in Section 11-501 of the Illinois
19 Vehicle Code, every person convicted of an offense shall be
20 sentenced as provided in this Section.

21 (b) The following options shall be appropriate
22 dispositions, alone or in combination, for all felonies and
23 misdemeanors other than those identified in subsection (c) of
24 this Section:

25 (1) A period of probation.

26 (2) A term of periodic imprisonment.

27 (3) A term of conditional discharge.

28 (4) A term of imprisonment.

29 (5) An order directing the offender to clean up and
30 repair the damage, if the offender was convicted under
31 paragraph (h) of Section 21-1 of the Criminal Code of 1961
32 (now repealed).

33 (6) A fine.

34 (7) An order directing the offender to make restitution

1 to the victim under Section 5-5-6 of this Code.

2 (8) A sentence of participation in a county impact
3 incarceration program under Section 5-8-1.2 of this Code.

4 (9) A term of imprisonment in combination with a term
5 of probation when the offender has been admitted into a
6 drug court program under Section 20 of the Drug Court
7 Treatment Act.

8 Neither a fine nor restitution shall be the sole
9 disposition for a felony and either or both may be imposed only
10 in conjunction with another disposition.

11 (c) (1) When a defendant is found guilty of first degree
12 murder the State may either seek a sentence of imprisonment
13 under Section 5-8-1 of this Code, or where appropriate seek
14 a sentence of death under Section 9-1 of the Criminal Code
15 of 1961.

16 (2) A period of probation, a term of periodic
17 imprisonment or conditional discharge shall not be imposed
18 for the following offenses. The court shall sentence the
19 offender to not less than the minimum term of imprisonment
20 set forth in this Code for the following offenses, and may
21 order a fine or restitution or both in conjunction with
22 such term of imprisonment:

23 (A) First degree murder where the death penalty is
24 not imposed.

25 (B) Attempted first degree murder.

26 (C) A Class X felony.

27 (D) A violation of Section 401.1 or 407 of the
28 Illinois Controlled Substances Act, or a violation of
29 subdivision (c) (1) or (c) (2) of Section 401 of that Act
30 which relates to more than 5 grams of a substance
31 containing heroin or cocaine or an analog thereof.

32 (E) A violation of Section 5.1 or 9 of the Cannabis
33 Control Act.

34 (F) A Class 2 or greater felony if the offender had
35 been convicted of a Class 2 or greater felony within 10
36 years of the date on which the offender committed the

1 offense for which he or she is being sentenced, except
2 as otherwise provided in Section 40-10 of the
3 Alcoholism and Other Drug Abuse and Dependency Act.

4 (F-5) A violation of Section 24-1, 24-1.1, or
5 24-1.6 of the Criminal Code of 1961 for which
6 imprisonment is prescribed in those Sections.

7 (G) Residential burglary, except as otherwise
8 provided in Section 40-10 of the Alcoholism and Other
9 Drug Abuse and Dependency Act.

10 (H) Criminal sexual assault.

11 (I) Aggravated battery of a senior citizen.

12 (J) A forcible felony if the offense was related to
13 the activities of an organized gang.

14 Before July 1, 1994, for the purposes of this
15 paragraph, "organized gang" means an association of 5
16 or more persons, with an established hierarchy, that
17 encourages members of the association to perpetrate
18 crimes or provides support to the members of the
19 association who do commit crimes.

20 Beginning July 1, 1994, for the purposes of this
21 paragraph, "organized gang" has the meaning ascribed
22 to it in Section 10 of the Illinois Streetgang
23 Terrorism Omnibus Prevention Act.

24 (K) Vehicular hijacking.

25 (L) A second or subsequent conviction for the
26 offense of hate crime when the underlying offense upon
27 which the hate crime is based is felony aggravated
28 assault or felony mob action.

29 (M) A second or subsequent conviction for the
30 offense of institutional vandalism if the damage to the
31 property exceeds \$300.

32 (N) A Class 3 felony violation of paragraph (1) of
33 subsection (a) of Section 2 of the Firearm Owners
34 Identification Card Act.

35 (O) A violation of Section 12-6.1 of the Criminal
36 Code of 1961.

1 (P) A violation of paragraph (1), (2), (3), (4),
2 (5), or (7) of subsection (a) of Section 11-20.1 of the
3 Criminal Code of 1961.

4 (Q) A violation of Section 20-1.2 or 20-1.3 of the
5 Criminal Code of 1961.

6 (R) A violation of Section 24-3A of the Criminal
7 Code of 1961.

8 (S) (Blank).

9 (T) A second or subsequent violation of the
10 Methamphetamine Control and Community Protection Act.

11 (3) (Blank).

12 (4) A minimum term of imprisonment of not less than 10
13 consecutive days or 30 days of community service shall be
14 imposed for a violation of paragraph (c) of Section 6-303
15 of the Illinois Vehicle Code.

16 (4.1) (Blank).

17 (4.2) Except as provided in paragraph (4.3) of this
18 subsection (c), a minimum of 100 hours of community service
19 shall be imposed for a second violation of Section 6-303 of
20 the Illinois Vehicle Code.

21 (4.3) A minimum term of imprisonment of 30 days or 300
22 hours of community service, as determined by the court,
23 shall be imposed for a second violation of subsection (c)
24 of Section 6-303 of the Illinois Vehicle Code.

25 (4.4) Except as provided in paragraph (4.5) and
26 paragraph (4.6) of this subsection (c), a minimum term of
27 imprisonment of 30 days or 300 hours of community service,
28 as determined by the court, shall be imposed for a third or
29 subsequent violation of Section 6-303 of the Illinois
30 Vehicle Code.

31 (4.5) A minimum term of imprisonment of 30 days shall
32 be imposed for a third violation of subsection (c) of
33 Section 6-303 of the Illinois Vehicle Code.

34 (4.6) A minimum term of imprisonment of 180 days shall
35 be imposed for a fourth or subsequent violation of
36 subsection (c) of Section 6-303 of the Illinois Vehicle

1 Code.

2 (5) The court may sentence an offender convicted of a
3 business offense or a petty offense or a corporation or
4 unincorporated association convicted of any offense to:

5 (A) a period of conditional discharge;

6 (B) a fine;

7 (C) make restitution to the victim under Section
8 5-5-6 of this Code.

9 (5.1) In addition to any penalties imposed under
10 paragraph (5) of this subsection (c), and except as
11 provided in paragraph (5.2) or (5.3), a person convicted of
12 violating subsection (c) of Section 11-907 of the Illinois
13 Vehicle Code shall have his or her driver's license,
14 permit, or privileges suspended for at least 90 days but
15 not more than one year, if the violation resulted in damage
16 to the property of another person.

17 (5.2) In addition to any penalties imposed under
18 paragraph (5) of this subsection (c), and except as
19 provided in paragraph (5.3), a person convicted of
20 violating subsection (c) of Section 11-907 of the Illinois
21 Vehicle Code shall have his or her driver's license,
22 permit, or privileges suspended for at least 180 days but
23 not more than 2 years, if the violation resulted in injury
24 to another person.

25 (5.3) In addition to any penalties imposed under
26 paragraph (5) of this subsection (c), a person convicted of
27 violating subsection (c) of Section 11-907 of the Illinois
28 Vehicle Code shall have his or her driver's license,
29 permit, or privileges suspended for 2 years, if the
30 violation resulted in the death of another person.

31 (5.4) In addition to any penalties imposed under
32 paragraph (5) of this subsection (c), a person convicted of
33 violating Section 3-707 of the Illinois Vehicle Code shall
34 have his driver's license, permit, or privileges suspended
35 for 90 days and until he or she has paid a reinstatement
36 fee of \$100.

1 (5.5) In addition to any penalties imposed under
2 paragraph (5) of this subsection (c), a person convicted of
3 violating Section 3-707 of the Illinois Vehicle Code during
4 a period in which his or her driver's license, permit, or
5 privileges were suspended for a previous violation of that
6 Section shall have his driver's license, permit, or
7 privileges suspended for an additional 180 days after the
8 expiration of the original 90 day suspension and until he
9 or she has paid a reinstatement fee of \$100.

10 (6) In no case shall an offender be eligible for a
11 disposition of probation or conditional discharge for a
12 Class 1 felony committed while he was serving a term of
13 probation or conditional discharge for a felony.

14 (7) When a defendant is adjudged a habitual criminal
15 under Article 33B of the Criminal Code of 1961, the court
16 shall sentence the defendant to a term of natural life
17 imprisonment.

18 (8) When a defendant, over the age of 21 years, is
19 convicted of a Class 1 or Class 2 felony, after having
20 twice been convicted in any state or federal court of an
21 offense that contains the same elements as an offense now
22 classified in Illinois as a Class 2 or greater Class felony
23 and such charges are separately brought and tried and arise
24 out of different series of acts, such defendant shall be
25 sentenced as a Class X offender. This paragraph shall not
26 apply unless (1) the first felony was committed after the
27 effective date of this amendatory Act of 1977; and (2) the
28 second felony was committed after conviction on the first;
29 and (3) the third felony was committed after conviction on
30 the second. A person sentenced as a Class X offender under
31 this paragraph is not eligible to apply for treatment as a
32 condition of probation as provided by Section 40-10 of the
33 Alcoholism and Other Drug Abuse and Dependency Act.

34 (9) A defendant convicted of a second or subsequent
35 offense of ritualized abuse of a child may be sentenced to
36 a term of natural life imprisonment.

1 (10) (Blank).

2 (11) The court shall impose a minimum fine of \$1,000
3 for a first offense and \$2,000 for a second or subsequent
4 offense upon a person convicted of or placed on supervision
5 for battery when the individual harmed was a sports
6 official or coach at any level of competition and the act
7 causing harm to the sports official or coach occurred
8 within an athletic facility or within the immediate
9 vicinity of the athletic facility at which the sports
10 official or coach was an active participant of the athletic
11 contest held at the athletic facility. For the purposes of
12 this paragraph (11), "sports official" means a person at an
13 athletic contest who enforces the rules of the contest,
14 such as an umpire or referee; "athletic facility" means an
15 indoor or outdoor playing field or recreational area where
16 sports activities are conducted; and "coach" means a person
17 recognized as a coach by the sanctioning authority that
18 conducted the sporting event.

19 (12) A person may not receive a disposition of court
20 supervision for a violation of Section 5-16 of the Boat
21 Registration and Safety Act if that person has previously
22 received a disposition of court supervision for a violation
23 of that Section.

24 (d) In any case in which a sentence originally imposed is
25 vacated, the case shall be remanded to the trial court. The
26 trial court shall hold a hearing under Section 5-4-1 of the
27 Unified Code of Corrections which may include evidence of the
28 defendant's life, moral character and occupation during the
29 time since the original sentence was passed. The trial court
30 shall then impose sentence upon the defendant. The trial court
31 may impose any sentence which could have been imposed at the
32 original trial subject to Section 5-5-4 of the Unified Code of
33 Corrections. If a sentence is vacated on appeal or on
34 collateral attack due to the failure of the trier of fact at
35 trial to determine beyond a reasonable doubt the existence of a
36 fact (other than a prior conviction) necessary to increase the

1 punishment for the offense beyond the statutory maximum
2 otherwise applicable, either the defendant may be re-sentenced
3 to a term within the range otherwise provided or, if the State
4 files notice of its intention to again seek the extended
5 sentence, the defendant shall be afforded a new trial.

6 (e) In cases where prosecution for aggravated criminal
7 sexual abuse under Section 12-16 of the Criminal Code of 1961
8 results in conviction of a defendant who was a family member of
9 the victim at the time of the commission of the offense, the
10 court shall consider the safety and welfare of the victim and
11 may impose a sentence of probation only where:

12 (1) the court finds (A) or (B) or both are appropriate:

13 (A) the defendant is willing to undergo a court
14 approved counseling program for a minimum duration of 2
15 years; or

16 (B) the defendant is willing to participate in a
17 court approved plan including but not limited to the
18 defendant's:

19 (i) removal from the household;

20 (ii) restricted contact with the victim;

21 (iii) continued financial support of the
22 family;

23 (iv) restitution for harm done to the victim;

24 and

25 (v) compliance with any other measures that
26 the court may deem appropriate; and

27 (2) the court orders the defendant to pay for the
28 victim's counseling services, to the extent that the court
29 finds, after considering the defendant's income and
30 assets, that the defendant is financially capable of paying
31 for such services, if the victim was under 18 years of age
32 at the time the offense was committed and requires
33 counseling as a result of the offense.

34 Probation may be revoked or modified pursuant to Section
35 5-6-4; except where the court determines at the hearing that
36 the defendant violated a condition of his or her probation

1 restricting contact with the victim or other family members or
2 commits another offense with the victim or other family
3 members, the court shall revoke the defendant's probation and
4 impose a term of imprisonment.

5 For the purposes of this Section, "family member" and
6 "victim" shall have the meanings ascribed to them in Section
7 12-12 of the Criminal Code of 1961.

8 (f) This Article shall not deprive a court in other
9 proceedings to order a forfeiture of property, to suspend or
10 cancel a license, to remove a person from office, or to impose
11 any other civil penalty.

12 (g) Whenever a defendant is convicted of an offense under
13 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
14 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
15 of the Criminal Code of 1961, the defendant shall undergo
16 medical testing to determine whether the defendant has any
17 sexually transmissible disease, including a test for infection
18 with human immunodeficiency virus (HIV) or any other identified
19 causative agent of acquired immunodeficiency syndrome (AIDS).
20 Any such medical test shall be performed only by appropriately
21 licensed medical practitioners and may include an analysis of
22 any bodily fluids as well as an examination of the defendant's
23 person. Except as otherwise provided by law, the results of
24 such test shall be kept strictly confidential by all medical
25 personnel involved in the testing and must be personally
26 delivered in a sealed envelope to the judge of the court in
27 which the conviction was entered for the judge's inspection in
28 camera. Acting in accordance with the best interests of the
29 victim and the public, the judge shall have the discretion to
30 determine to whom, if anyone, the results of the testing may be
31 revealed. The court shall notify the defendant of the test
32 results. The court shall also notify the victim if requested by
33 the victim, and if the victim is under the age of 15 and if
34 requested by the victim's parents or legal guardian, the court
35 shall notify the victim's parents or legal guardian of the test
36 results. The court shall provide information on the

1 availability of HIV testing and counseling at Department of
2 Public Health facilities to all parties to whom the results of
3 the testing are revealed and shall direct the State's Attorney
4 to provide the information to the victim when possible. A
5 State's Attorney may petition the court to obtain the results
6 of any HIV test administered under this Section, and the court
7 shall grant the disclosure if the State's Attorney shows it is
8 relevant in order to prosecute a charge of criminal
9 transmission of HIV under Section 12-16.2 of the Criminal Code
10 of 1961 against the defendant. The court shall order that the
11 cost of any such test shall be paid by the county and may be
12 taxed as costs against the convicted defendant.

13 (g-5) When an inmate is tested for an airborne communicable
14 disease, as determined by the Illinois Department of Public
15 Health including but not limited to tuberculosis, the results
16 of the test shall be personally delivered by the warden or his
17 or her designee in a sealed envelope to the judge of the court
18 in which the inmate must appear for the judge's inspection in
19 camera if requested by the judge. Acting in accordance with the
20 best interests of those in the courtroom, the judge shall have
21 the discretion to determine what if any precautions need to be
22 taken to prevent transmission of the disease in the courtroom.

23 (h) Whenever a defendant is convicted of an offense under
24 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
25 defendant shall undergo medical testing to determine whether
26 the defendant has been exposed to human immunodeficiency virus
27 (HIV) or any other identified causative agent of acquired
28 immunodeficiency syndrome (AIDS). Except as otherwise provided
29 by law, the results of such test shall be kept strictly
30 confidential by all medical personnel involved in the testing
31 and must be personally delivered in a sealed envelope to the
32 judge of the court in which the conviction was entered for the
33 judge's inspection in camera. Acting in accordance with the
34 best interests of the public, the judge shall have the
35 discretion to determine to whom, if anyone, the results of the
36 testing may be revealed. The court shall notify the defendant

1 of a positive test showing an infection with the human
2 immunodeficiency virus (HIV). The court shall provide
3 information on the availability of HIV testing and counseling
4 at Department of Public Health facilities to all parties to
5 whom the results of the testing are revealed and shall direct
6 the State's Attorney to provide the information to the victim
7 when possible. A State's Attorney may petition the court to
8 obtain the results of any HIV test administered under this
9 Section, and the court shall grant the disclosure if the
10 State's Attorney shows it is relevant in order to prosecute a
11 charge of criminal transmission of HIV under Section 12-16.2 of
12 the Criminal Code of 1961 against the defendant. The court
13 shall order that the cost of any such test shall be paid by the
14 county and may be taxed as costs against the convicted
15 defendant.

16 (i) All fines and penalties imposed under this Section for
17 any violation of Chapters 3, 4, 6, and 11 of the Illinois
18 Vehicle Code, or a similar provision of a local ordinance, and
19 any violation of the Child Passenger Protection Act, or a
20 similar provision of a local ordinance, shall be collected and
21 disbursed by the circuit clerk as provided under Section 27.5
22 of the Clerks of Courts Act.

23 (j) In cases when prosecution for any violation of Section
24 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
25 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
26 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
27 Code of 1961, any violation of the Illinois Controlled
28 Substances Act, any violation of the Cannabis Control Act, or
29 any violation of the Methamphetamine Control and Community
30 Protection Act results in conviction, a disposition of court
31 supervision, or an order of probation granted under Section 10
32 of the Cannabis Control Act, Section 410 of the Illinois
33 Controlled Substance Act, or Section 70 of the Methamphetamine
34 Control and Community Protection Act of a defendant, the court
35 shall determine whether the defendant is employed by a facility
36 or center as defined under the Child Care Act of 1969, a public

1 or private elementary or secondary school, or otherwise works
2 with children under 18 years of age on a daily basis. When a
3 defendant is so employed, the court shall order the Clerk of
4 the Court to send a copy of the judgment of conviction or order
5 of supervision or probation to the defendant's employer by
6 certified mail. If the employer of the defendant is a school,
7 the Clerk of the Court shall direct the mailing of a copy of
8 the judgment of conviction or order of supervision or probation
9 to the appropriate regional superintendent of schools. The
10 regional superintendent of schools shall notify the State Board
11 of Education of any notification under this subsection.

12 (j-5) A defendant at least 17 years of age who is convicted
13 of a felony and who has not been previously convicted of a
14 misdemeanor or felony and who is sentenced to a term of
15 imprisonment in the Illinois Department of Corrections shall as
16 a condition of his or her sentence be required by the court to
17 attend educational courses designed to prepare the defendant
18 for a high school diploma and to work toward a high school
19 diploma or to work toward passing the high school level Test of
20 General Educational Development (GED) or to work toward
21 completing a vocational training program offered by the
22 Department of Corrections. If a defendant fails to complete the
23 educational training required by his or her sentence during the
24 term of incarceration, the Prisoner Review Board shall, as a
25 condition of mandatory supervised release, require the
26 defendant, at his or her own expense, to pursue a course of
27 study toward a high school diploma or passage of the GED test.
28 The Prisoner Review Board shall revoke the mandatory supervised
29 release of a defendant who wilfully fails to comply with this
30 subsection (j-5) upon his or her release from confinement in a
31 penal institution while serving a mandatory supervised release
32 term; however, the inability of the defendant after making a
33 good faith effort to obtain financial aid or pay for the
34 educational training shall not be deemed a wilful failure to
35 comply. The Prisoner Review Board shall recommit the defendant
36 whose mandatory supervised release term has been revoked under

1 this subsection (j-5) as provided in Section 3-3-9. This
2 subsection (j-5) does not apply to a defendant who has a high
3 school diploma or has successfully passed the GED test. This
4 subsection (j-5) does not apply to a defendant who is
5 determined by the court to be developmentally disabled or
6 otherwise mentally incapable of completing the educational or
7 vocational program.

8 (k) A court may not impose a sentence or disposition for a
9 felony or misdemeanor that requires the defendant to be
10 implanted or injected with or to use any form of birth control.

11 (l) (A) Except as provided in paragraph (C) of subsection
12 (l), whenever a defendant, who is an alien as defined by
13 the Immigration and Nationality Act, is convicted of any
14 felony or misdemeanor offense, the court after sentencing
15 the defendant may, upon motion of the State's Attorney,
16 hold sentence in abeyance and remand the defendant to the
17 custody of the Attorney General of the United States or his
18 or her designated agent to be deported when:

19 (1) a final order of deportation has been issued
20 against the defendant pursuant to proceedings under
21 the Immigration and Nationality Act, and

22 (2) the deportation of the defendant would not
23 deprecate the seriousness of the defendant's conduct
24 and would not be inconsistent with the ends of justice.

25 Otherwise, the defendant shall be sentenced as
26 provided in this Chapter V.

27 (B) If the defendant has already been sentenced for a
28 felony or misdemeanor offense, or has been placed on
29 probation under Section 10 of the Cannabis Control Act,
30 Section 410 of the Illinois Controlled Substances Act, or
31 Section 70 of the Methamphetamine Control and Community
32 Protection Act, the court may, upon motion of the State's
33 Attorney to suspend the sentence imposed, commit the
34 defendant to the custody of the Attorney General of the
35 United States or his or her designated agent when:

36 (1) a final order of deportation has been issued

1 against the defendant pursuant to proceedings under
2 the Immigration and Nationality Act, and

3 (2) the deportation of the defendant would not
4 deprecate the seriousness of the defendant's conduct
5 and would not be inconsistent with the ends of justice.

6 (C) This subsection (1) does not apply to offenders who
7 are subject to the provisions of paragraph (2) of
8 subsection (a) of Section 3-6-3.

9 (D) Upon motion of the State's Attorney, if a defendant
10 sentenced under this Section returns to the jurisdiction of
11 the United States, the defendant shall be recommitted to
12 the custody of the county from which he or she was
13 sentenced. Thereafter, the defendant shall be brought
14 before the sentencing court, which may impose any sentence
15 that was available under Section 5-5-3 at the time of
16 initial sentencing. In addition, the defendant shall not be
17 eligible for additional good conduct credit for
18 meritorious service as provided under Section 3-6-6.

19 (m) A person convicted of criminal defacement of property
20 under Section 21-1.3 of the Criminal Code of 1961, in which the
21 property damage exceeds \$300 and the property damaged is a
22 school building, shall be ordered to perform community service
23 that may include cleanup, removal, or painting over the
24 defacement.

25 (n) The court may sentence a person convicted of a
26 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
27 Code of 1961 (i) to an impact incarceration program if the
28 person is otherwise eligible for that program under Section
29 5-8-1.1, (ii) to community service, or (iii) if the person is
30 an addict or alcoholic, as defined in the Alcoholism and Other
31 Drug Abuse and Dependency Act, to a substance or alcohol abuse
32 program licensed under that Act.

33 (Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,
34 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,
35 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,
36 eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556,

1 eff. 9-11-05; revised 8-19-05.)